



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,719	03/26/2001	Sri K. Canakapalli	INTL-0558-US (P11216)	9468

7590 05/06/2003
Timothy N. Trop
TROP, PRUNER & HU, P.C.
STE 100
8554 KATY FWY
HOUSTON, TX 77024-1805

EXAMINER

NELSON, ALECIA DIANE

ART UNIT PAPER NUMBER

2675

DATE MAILED: 05/06/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

80

Office Action Summary

Application No.

09/817,719

Applicant(s)

CANAKAPALLI, SRI K.

Examiner

Alecia D. Nelson

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 2675

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaaskelainen.

With reference to **claims 7, and 9**, Jaaskelainen teaches a graphical pointing device and method for controlling a graphical pointer displayed within a display device of a data processing system (see abstract). The pointing device, mouse, (18) comprises a pointing device body (40) including an element (48) to detect movement of the body (see column 4, lines 23-26), and a control, dial switch, (80) to enable the user to manually change the rate, faster or slower, at which a cursor image moves in response to movement of the body (40) (see column 5, lines 23-26). With reference to **claim 8**, it is taught that the mouse includes a body having a curved upper surface and a peripheral sidewall, the control (80) being positioned on the sidewall (see Figure. 5A). With further reference to **claim 10**, Jaaskelainen teaches receiving signals from the dial (80) mounted on the mouse (18) and in response thereto, selectively increasing or decreasing the rate of movement of the on-screen cursor (see column 5, lines 32-53).

Jaaskelainen fails to specifically teach that the user's thumb is positioned to lie over the control when the body of the mouse is positioned in the user's hand. However, it would be obvious for the thumb of the user to fall on the side of the mouse device, in order to control the dial, as well known by those skilled in the conventional art.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the thumb to fall on the side of the body of the mouse in order to control the dial for varying the speed of the cursor being controlled by the mouse device. This positioning of the dial will allow the user easy access to change the rate of the cursor without causing much interruption in the work being done by the user.

Response to Arguments

Applicant's arguments filed 2/27/03 have been fully considered but they are not persuasive. The applicant argues that **Claim 7** is patentably distinguishable over the art of record, Jaaskelainen, because the reference fails to teach movement of a controller positioned to lie under the user's thumb when the body is positioned in the user's hand. Further the applicant argues that it would be incapable for the human thumb to be accessible to the switch. Jaaskelainen does fail to specifically teach that the user's thumb is used to operate the controller (80). More specifically, Jaaskelainen fails to teach how the mouse is placed in relation to the user. Therefore, it can only be assumed that the mouse is placed in relation to the user in a conventional manner. In this position, it is natural for the thumb to fall along side of the mouse, which would be near the placement of the controller (80) as can be seen in the figures. Granted that the

Art Unit: 2675

human index finger is placed on the key (42) and is longer than the thumb, as stated by the applicant, it is still possible for the thumb to fall naturally along side of the mouse and have access to the controller (80) with comfortable arch in the palm of the user's hand. Therefore the examiner does believe that there is enough suggested by Jaakelainen to render the limitation obvious.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703)305-0143. The examiner can normally be reached on Monday-Friday 9:30-7:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras can be reached on (703)305-9720. The fax phone numbers

Art Unit: 2675

for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9700.

adn/ADN
April 30, 2003



STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600